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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,777	06/15/2001	Kevin Collins	10006714-1	1608

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,777

Applicant(s)

COLLINS ET AL

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims **1- 24** are presented for examination.

### **Response to Arguments**

2. Applicant's arguments filed April 07, 2005 have been fully considered but they are not persuasive because of the following reasons:

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "...diagnosis of an active application and not one that has abnormally terminated or is in the process of termination...the active application with clean data that has not been corrupted by illegal operations as the programs terminates") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. In addition, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "...there is no need for real-time analysis of the problem in the active application") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Applicant argues that the combination of Glerum and Wookey would not result in a method or system for enabling remote diagnosis of an active application.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason to include a remote support tool, configured for receiving and displaying the diagnostic information package transferred by the communications component, having a user interface that is accessible to the support personnel (figure 8, col. 13, lines 33-col. 14, lines 6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Wookey** into **Glerum's** system because it would provide an efficient communication system that the remote administrator can monitor, view and fix applications events (see **Wookey** col. 2, lines 45-54, col. 4, lines 9-45).

6. Applicant argues that both **Wookey** and **Glerum** disclose collecting information, but not in real time while an application is active. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "...in real time while an application is active") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. As a result, cited prior art does disclose a system and method for enabling remote diagnosis of an active application, as broadly claimed by the Applicants.

Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

8. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 12, 18 and 24. Claims 2-11, 13-17 and 19-23 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in this office action [see rejection below]. Accordingly, claims 1-24 are rejected.

### **Claim Rejections - 35 USC § 102**

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-5, 9-17 and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Glerum et al.** (hereinafter Glerum) U.S. Patent no. **6,708,333**.

11. As to claim 1, **Glerum** teaches the invention as claimed, including a method for enabling remote diagnosis of an active application and its related environment on a client computer from a support location, comprising the steps of:

requesting a diagnostic information package relating to the active application (col. 7, lines 58-col. 8, lines 10, col. 10, lines 11-37, col. 11, lines 14-29);

collecting the diagnostic information package relating to the active application, using a procedural interface that programmatically collects the diagnostic information package (figure 2, col. 5, lines 38-col. 6, lines 25); and

sending the diagnostic information package to the support location in response to the request for the diagnostic information package (figure 2, col. 6, lines 40-col. col. 7, lines 14, lines 58-col. 8, lines 10).

12. As to claim 2, **Glerum** teaches the invention as claimed, wherein the step of collecting the requested diagnostic information package further comprises the step of collecting information about configuration of the active application, application resources, and system resources used by the active application (col. 7, lines 15-51).

13. As to claim 3, **Glerum** teaches the invention as claimed, further comprising the step of enabling a user to send the diagnostic information package relating to the active application to the support location (col. 1, lines 24-38).

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14. As to claim 4, **Glerum** teaches the invention as claimed, further comprising the step of enabling a support person to request the diagnostic information package relating to the active application (col. 7, lines 58-col. 8, lines 10, col. 10, lines 11-37, col. 11, lines 14-29).

15. As to claim 5, **Glerum** teaches the invention as claimed, further comprising the step of enabling an automated system to request the diagnostic information package relating to the active application (figure 2).

16. As to claim 9, **Glerum** teaches the invention as claimed, further comprising the step of coupling a procedural interface to a plurality of active applications (figure 2).

17. As to claim 10, **Glerum** teaches the invention as claimed, further comprising the step of using a support tool located at the support location to allow a support person to interpret the diagnostic information package (figure 2, col. 5, lines 48-col. 6, lines 64).

18. As to claim 11, **Glerum** teaches the invention as claimed, further comprising the step of defining data formats and diagnostic information uniformly for each of a plurality of active applications (figure 2, col. 5, lines 48-col. 6, lines 25).

19. As to claim 12, **Glerum** teaches the invention as claimed, including a system for enabling a support person at a support location to remotely diagnose an active application and its related environment on a client computer, comprising:

a procedural interface, couplable to the active application, wherein the procedural interface enables the collection of a diagnostic information package concerning the active application and its related environment (figure 2, col. 5, lines 38-col. 6, lines 25), the procedural interface further comprising:

a communications component, associated with the procedural interface, configured to enable transfer of the diagnostic information package to the remote support location (figure 2, col. 6, lines 40-col. col. 7, lines 14, lines 58-col. 8, lines 10).

20. As to claim 17, **Glerum** teaches the invention as claimed, further comprising a plurality separate instances of the procedural interface that are coupled to each of a plurality of active applications (figure 2).

21. As to claim 24, **Glerum** teaches the invention as claimed, including an article of manufacture, comprising a computer usable medium having computer readable program code means embodied therein for enabling remote diagnosis of an active application and its related environment on a client computer from a support location, the computer readable program code means in said article of manufacture comprising:



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computer readable program code means for requesting a diagnostic information package relating to the active application (col. 7, lines 58-col. 8, lines 10, col. 10, lines 11-37, col. 11, lines 14-29);

computer readable program code means for collecting the diagnostic information package relating to the active application, using a procedural interface that programmatically collects the diagnostic information package (figure 2, col. 5, lines 38-col. 6, lines 25); and

computer readable program code means for sending the diagnostic information package to the support location in response to the request for the diagnostic information package (figure 2, col. 6, lines 40-col. col. 7, lines 14, lines 58-col. 8, lines 10).

22. Claims 13-16 have similar limitations as claims 2, 9-11; therefore, they are rejected under the same rationale.

### **Claim Rejections - 35 USC § 103**

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 6-8 and 18-23 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Glerum**, in view of **Wookey** U.S. Patent No. **6,023,507**.

25. As to claim 6, **Glerum** does not explicitly teach the invention as claimed; however, **Wookey** teaches the step of utilizing a support tool located at the support location for displaying and interpreting data from the diagnostic information package (figure 8, col. 13, lines 33-col. 14, lines 6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Wookey** to **Glerum**'s system because it would provide an efficient communication system that the remote administrator can easily monitor, view and fix applications events by displaying the diagnostic information.

26. As to claim 7, **Glerum** teaches the invention as claimed, further comprising the step of enabling a support person to use the support tool to diagnose and interpret the diagnostic support package for the active application and its related environment (col. 6, lines 56-col. 7, lines 14).

27. As to claim 8, **Wookey** teaches the invention as claimed, further comprising the step of sending files to the client computer to repair a problem diagnosed with the active application (col. 3, lines 62-col. 4, lines 8, col. 14, lines 7-col. 15, lines 21). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Wookey** to

**Glerum's** system because it would provide an efficient communication system that can reduce and eliminate required intervention by the administrator.

28. As to claim 18, **Glerum** teaches the invention as claimed, including a system for allowing support personnel at a support location to remotely diagnose an active application and its related environment on a client computer, comprising:

a procedural interface, associated with the active application, having pre-defined diagnosis queries and functions to retrieve information regarding operability of the active application (figure 2, col. 6, lines 4-64);

a data collection component, coupled to the procedural interface, configured for combining and formatting the information received from the pre-defined diagnosis queries and functions into a diagnostic information package (figure 2, col. 5, lines 38-col. 6, lines 25);

a communications component, associated with the procedural interface, configured to control transferring of the diagnostic information package to the support location (figure 2, col. 6, lines 40-col. 7, lines 14, lines 58-col. 8, lines 10).

However, **Glerum** does not explicitly teach a remote support tool, configured for receiving and displaying the diagnostic information package transferred by the communications component, having a user interface that is accessible to the support personnel. **Wookey** teaches a remote support tool, configured for receiving and displaying the diagnostic information package transferred by the communications component, having a user interface that is accessible to the support personnel (figure 8,

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col. 13, lines 33-col. 14, lines 6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Wookey** to **Glerum's** system because it would provide an efficient communication system that the remote administrator can monitor, view and fix applications events.

29. As to claim 19, **Wookey** teaches the invention as claimed, wherein the remote support tool is used by the support personnel to view the diagnostic data package and identify problems in the active application ((figure 8, col. 13, lines 33-col. 14, lines 6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Wookey** to **Glerum's** to have the same motivation as set forth in claim 18, supra.

30. As to claim 20, **Wookey** teaches the invention as claimed, wherein the procedural interface enables changes to the configuration of the active application, application resources and the system resources that the application is using (col. 3, lines 62-col. 4, lines 16). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to modify the teachings of **Wookey** to **Glerum's** system because it would provide an efficient that can remotely monitor, detect and collect the system diagnostic information.

31. As to claim 21, **Glerum** teaches the invention as claimed, wherein the diagnostic data packet has defined uniform data formats and diagnostic information (figure 2, col. 5, lines 48-col. 6, lines 25).

32. As to claim 22, **Glerum** teaches the invention as claimed wherein user activates a transfer of diagnostic data packet that is sent to the support location (col. 1, lines 24-38).

33. As to claim 23, **Glerum** teaches the invention as claimed, wherein support personnel activate a transfer of the diagnostic data packet through the remote support tool (col. 7, lines 58-col. 8, lines 10, col. 10, lines 11-37, col. 11, lines 14-29).

#### **Conclusion**

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

June 20, 2005



SALEH NAJJAR  
PRIMARY EXAMINER